

AF 11762 \$
I+W

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl. No. : 09/662,451 Confirmation No. 9125
Applicant : Raanan Liebermann
Filed : September 14, 2000
TC/A.U. : 1762
Examiner : Alain L. Bashore

Docket No. : 99-352
Customer No. : 34704

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

APPEAL BRIEF

Sir:

This is an appeal to the Board of Patent Appeals and Interferences from the final rejection of claims 1 - 7, 9 - 64, and 122 dated November 23, 2005, made by the Primary Examiner in Tech Center Art Unit 1762.

REAL PARTY IN INTEREST

The real party in interest is the Appellant Raanan Liebermann

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant or Appellant's legal representative which will

04/26/2006 AKELECHI 00000025 09225451

01 FC:2402

250.00 OP

directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1 - 7, 9 - 64 and 122 stand rejected and are on appeal. Claims 8 and 65 - 121 have been cancelled.

STATUS OF AMENDMENTS

No amendment was filed after final rejection. In an advisory action mailed March 2, 2006, the Examiner indicated that the request for reconsideration filed after final rejection did not place the case in condition for allowance.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a system and a method for carrying out personal transactions. (See page 11, lines 15 - 18).

As set forth in claim 1, the method for carrying out personal transactions comprises the steps of providing a system for performing said personal transactions, registering a user of said system (see FIG. 3 and page 19, lines 8 - 10 of the specification), said registering step comprising said user accessing said system and providing

said system with personal information about said user (see specification from page 19, line 10 - page 20, line 6 of the specification and FIG. 3), said registering step further comprising selecting an identification number for said user (see page 20, lines 7 - 18 of the specification and FIG. 3), said registering step further comprising creating a PIN number by selecting a plurality of single digit numbers to act as a first segment of said PIN number (see page 20, line 19 to page 21, line 5 of the specification), and said PIN number creating step further comprising selecting at least two digits for a security segment to be incorporated into said PIN number wherein an alarm signal is sent when the user enter the PIN number with at least one of the at least two digits for the security segment (see page 21, lines 5 - 24 of the specification).

As set forth in claim 2, the identification number selection step comprises selecting said user's telephone number (see page 20, lines 7 - 14 of the specification).

As set forth in claim 3, the identification number selection step comprises creating a ten digit number in the form of a telephone number (see page 20, lines 7 - 14 of the specification).

As set forth in claim 4, the identification number selection step comprises said system selecting a ten digit identification number and assigning said ten digit identification number to said user (see page 20, lines 7 - 14 of the specification).

As set forth in claim 5, the accessing step comprises said user using a telephone to access said system (see page 19, lines 10 - 13 of the specification).

As set forth in claim 6, the accessing step comprises using a personal computer to access said system (see page 19, lines 13 - 16 of the specification).

As set forth in claim 7, the method further comprises storing said personal information, said identification number, and said PIN number in a customer database forming part of said system (see page 16, lines 18 - 24 of the specification).

As set forth in claim 9, the PIN number creating step comprises selecting a digit in said first segment to identify the location of said second security segment (see page 22, lines 10 - 12 of the specification).

As set forth in claim 10, the method further comprises creating a money account and depositing money into said account (see page 19, lines 17 - page 20, line 1 of the

specification and FIG. 3; also see page 23, lines 4 - 10 of the specification).

As set forth in claim 11, the depositing step comprises accessing said system via said communication device, entering said identification number assigned to said user using said communication device, entering said PIN number assigned to said user without entering said at least one additional digital number forming said security segment using said communication device, and providing said money to be deposited to a first agent for said system (see FIG. 4 and page 23, line 18 to page 25, line 7 of the specification).

As set forth in claim 12, the method further comprises withdrawing money from said account and said withdrawing step comprising accessing said system using a communication device, entering said user's identification number using said communication device, entering said user's PIN number without entering said at least one security segment digital number using said communication device, identifying the amount of money to be withdrawn using said communication device, and receiving said money to be withdrawn from an agent for said system (see FIG. 4 and page 23, line 18 to page 25, line 7 of the specification).

As set forth in claim 13, the accessing step comprises accessing said system via an ATM (see FIG. 5 and page 25, lines 8 - 9 of the specification).

As set forth in claim 14, the method further comprises inserting a credit card or an identification card into said ATM prior to entering said identification number (see page 25, lines 9 - 10 of the specification).

As set forth in claim 15, the method further comprises withdrawing money from said account and said withdrawing step comprising accessing said system using a communication device, entering said user's identification number using said communication device, entering said user's PIN number including said at least one security segment digital number using said communication device to generate an alarm signal, identifying the amount of money to be withdrawn using said communication device, and receiving said money to be withdrawn from an agent for said system (see page 25, lines 8 - 16 of the specification and FIG. 5).

As set forth in claim 16, the method further comprises purchasing merchandise using said system (see FIG. 6 and page 26, lines 14 - 15 of the specification).

As set forth in claim 17 wherein the merchandise purchasing step comprises accessing said system through a communication device, entering said identification number

and said PIN number without using said at least one security segment digit into said system using said communication device, entering identification information about the entity selling said merchandise using said communication device, storing said entered user identification and PIN numbers and entity identification information in a buffer in a computer connected to said communication device, and connecting said communication device to said system (see FIG. 6 and page 26, line 14 - page 29, line 16 of the specification).

As set forth in claim 18, the merchandise purchasing step further comprises downloading said information stored in said buffer to said system, opening a temporary file in said system containing said downloaded information, assigning a transaction identification number to said temporary file, transferring said transaction identification number to said buffer, and disconnecting said system from said computer (see FIG. 6 and page 27, line 10 - page 28, line 6 of the specification).

As set forth in claim 19, the merchandise purchasing step further comprises connecting said system to a computer utilized by said entity, and downloading said transaction identification number and said information in said

temporary file to said entity computer (see FIG. 6 and page 28, lines 6 - 16 of the specification).

As set forth in claim 20, the method further comprises said user accessing said entity computer, said user selecting merchandise to be purchased, said user downloading the transaction identification number stored in said buffer to said entity computer, and said entity computer verifying said downloaded transaction identification number with said system (see FIG. 6 and page 28, line 17 to page 29, line 2 of the specification).

As set forth in claim 21, the method further comprises debiting the user's account in the amount of the purchase (see FIG. 6 and page 29, lines 2 - 4 of the specification).

As set forth in claim 22, the method further comprises crediting an account maintained by said entity with an amount equal to the amount of said purchase (see FIG. 6 and page 29, lines 4 - 6 of the specification).

As set forth in claim 23, the method further comprises said user accessing said system with a communication device, identifying said user to said system using said communication device, entering the name of the person to whom money is to be transferred and the amount to be transferred into the system using said communication device, opening a temporary account containing the money to

be transferred and assigning a transaction identification number to said temporary account, and withdrawing money from said user's account and storing said money in said temporary account until said person has transferred said money out of said temporary account to an account controlled by said person (see page 29, line 15 to page 30, line 13 of the specification).

As set forth in claim 24, the method further comprises closing said temporary account after said money has been transferred (see page 30, lines 8 - 10 of the specification).

As set forth in claim 25, the method further comprises said storing step comprising storing said user identification number and PIN number in a customer database maintained by said system, and providing access to said system to individuals leaving an e-mail communication, a facsimile communication, or a page for said user (see page 34, line 16 to page 35, line 6 of the specification).

As set forth in claim 26, the method further comprises identifying the user for which the e-mail communication, facsimile communication, or page has been left, and storing said e-mail communication, facsimile communication, or page message in said system (see page 36, line 21 to

page 37, line 6 of the specification; also see page 42, lines 10 - 12 of the specification).

As set forth in claim 27, the identifying step comprises looking up said user in said customer database and obtaining an address for said user (see page 37, lines 7 - 26 of the specification).

As set forth in claim 28, the address obtaining step comprises obtaining an e-mail address for said user (see page 37, lines 7 - 26 of the specification).

As set forth in claim 29, the address obtaining step comprises obtaining a telephone number for said user (see page 48, lines 11 - 19 of the specification).

As set forth in claim 30, the method further comprises notifying the user of the receipt of the e-mail communication, the facsimile communication, or the page message (see page 42, lines 18 - 21; also see page 45, line 15 to page 46, line 10).

As set forth in claim 31, the method further comprises storing said transmitted e-mail communication, facsimile communication, or page message in a message holding database; and providing said user access to said stored e-mail communication, facsimile communication or page message (see page 35, line 17 to page 36, line 26 of the specification).

As set forth in claim 32, the access providing step comprises voice delivery of said e-mail communication, said facsimile communication or said page message (see page 38, lines 1 - 4 of the specification).

As set forth in claim 33, the access providing step comprises delivering notification of said e-mail communication, said facsimile communication or said page message to said user's personal computer (see page 38, lines 1 - 4 of the specification).

As set forth in claim 34, the access providing step comprises providing an electronic box for providing at least one of an indication of the presence of an e-mail message, the names of the individual transmitting the e-mail message, and the text of the e-mail message (see page 38, lines 2 - 19 of the specification).

As set forth in claim 35, the method further comprises said storing step comprising storing said identification number and PIN number assigned to said user in a customer database, monitoring said user, said monitoring step comprising having the user specify an activation time, at least one monitoring location and at least one assistance preference and storing said activation time, said at least one monitoring location, and said at least one assistance preference in said customer database, and said monitoring

step further comprising calling said user at said activation time at said at least one monitoring location (see page 38, line 19 - page 39, line 11 of the specification).

As set forth in claim 36, the method further comprises initiating contact with said at least one assistance preference if said user does not enter said PIN number in response to said call (see page 38, line 19 - page 39, line 11 of the specification).

As set forth in claim 37, the method further comprises said storing step comprising storing said user identification number and said user PIN number in a customer database, providing access to the system to a voice message sender, and depositing a voice message from said sender to said user in said system (see page 45, line 4 to page 47, line 11 of the specification).

As set forth in claim 38, the method further comprises notifying said user of said deposited message (see page 46, lines 4 - 10 of the specification).

As set forth in claim 39, the notifying step comprises triggering a notification signal when said user uses a particular credit/debit card (see page 46, lines 7 - 10 of the specification).

As set forth in claim 40, the notifying step comprises contacting said user via telephone (see page 46, lines 12 - 14 of the specification).

As set forth in claim 41, the method further comprises enabling said user to retrieve said deposited message via telephone (see page 46, lines 3 - 4 of the specification).

As set forth in claim 42, the system for carrying out personal transactions comprises a center (10) for performing personal transactions including financial transactions, e-mail transactions, and voice messaging transactions, said center including a local area computer network (12) having means for carrying out said financial transactions, said e-mail transactions, and said voice messaging transactions, a voice response unit (22) connected to said local area network, and a telephone communication system (24), means for providing user access to said network via said telephone communication system, said network including means for receiving personal information about said user, for creating an identification number for said user, and for receiving a PIN number for said user, and said PIN number creating means comprising means for selecting a plurality of digits to act as a first segment of said PIN number and for selecting at least one additional digit to act as a security segment incorporated

into said PIN number so that use of said PIN number with said security segment by said user triggers an alarm activation mechanism in said system (see FIGS. 1 and 3; also see page 13, line 17 to page 16, line 12; and page 19, line 8 to page 22, line 20 of the specification).

As set forth in claim 43, the access providing means further comprises a web site which can be accessed via a computer (see page 19, lines 13 - 16 of the specification).

As set forth in claim 44, the system further comprises a router (16) for receiving data signals from said website and a firewall (18) for preventing unauthorized access to said network (see FIG. 1 and page 14, lines 3 - 6 of the specification).

As set forth in claim 45, the access providing means comprises a central telephone number which can be accessed by telephone (see page 19, lines 10 - 13 of the specification).

As set forth in claim 46, the system further comprises said voice response unit receiving telephone communications from a user, converting said telephone communications to digital signals, transmitting said digital signals to said computer network, receiving instructions from said computer network, and prompting said user to provide additional

information to said computer network (see page 14, line 21 to page 15, line 9 of the specification).

As set forth in claim 47, the computer network comprises a first server (12, 30) for operating said network (see FIGS. 1 and 2 and see page 13, lines 19 - 22 of the specification; also see page 16, lines 14 - 15 of the specification).

As set forth in claim 48, the computer network further comprises a second server (32) for controlling e-mail transactions (see FIG. 2 and page 16, lines 16 of the specification).

As set forth in claim 49, the computer network further comprises a plurality of data bases (34), a plurality of stored search engines (36), and a stored set of processing instructions (38) and wherein said data bases, said stored search engines, and said stored set of processing instructions are accessible by said first and second servers (see FIG. 2 and see page 17, lines 3 - 13 of the specification).

As set forth in claim 50, the computer network further comprises a stored set of instructions for performing cash transactions using said system and a stored set of instructions for performing voice messaging services and wherein said stored set of instructions for performing cash

transactions and said stored set of instructions for performing voice messaging services are accessible by said first server (see FIG. 2 and page 17, lines 3 - 17 of the specification).

As set forth in claim 51, the computer network includes a third server (40) for performing cash transactions (see FIG. 2 and see page 17, lines 6 - 7 of the specification).

As set forth in claim 52, the computer network includes a fourth server (42) for performing voice messaging services (see FIG. 2 and see page 17, lines 7 - 9 of the specification).

As set forth in claim 53, the computer network comprises means for a user to open a cash account and to use said cash account for financial transactions (see FIG. 3 and see page 19, line 8 to page 23, line 10 of the specification).

As set forth in claim 54, the financial transactions include deposits to said cash account, withdrawals from said cash account, and transfer of funds to a third party (see page 23, lines 6 - 10 of the specification; also see page 12, lines 12 - 16 of the specification).

As set forth in claim 55, the computer network comprises means for receiving voice messages, means for

storing said voice messages, and means for notifying recipients of said voice messages about said voice messages (see FIG. 2 and see page 45, line 4 to page 46, line 14 of the specification).

As set forth in claim 56, the computer network comprises means for receiving facsimile transmissions for a user and means for allowing said user to retrieve said facsimile transmissions (see page 35, line 4 - 6 of the specification and page 42, lines 10 - 12 of the specification).

As set forth in claim 57, the means for allowing said user to retrieve said facsimile transmissions comprises means for retrieving said facsimile transmissions by voice (see page 42, lines 10 - 21 of the specification).

As set forth in claim 58, the computer network comprises means for receiving e-mail transmissions for a user, means for storing said e-mail transmissions, and means for notifying said user of said e-mail transmissions (see page 41, last paragraph to page 42, line 21 of the specification).

As set forth in claim 59, the notifying means comprises means for notifying said user via telephone (see page 42, lines 18 - 21 of the specification; also see page 38, lines 1 - 4 of the specification).

As set forth in claim 60, the notifying means comprises means for notifying said user via a personal computer (see page 38, lines 1 - 4 of the specification).

As set forth in claim 61, the computer network comprises means for monitoring a user (see page 38, line 19 to page 39, line 11 of the specification).

As set forth in claim 62, the computer network comprises means for paging a user and for notifying said user of said page (see page 35, lines 4 - 6 of the specification).

As set forth in claim 63, the system further comprises a communication unit (24) for connecting said computer network to external entities to transfer information and/or data (see FIG. 1 and page 15, lines 18 - 22 of the specification).

As set forth in claim 64, the communication unit comprises a text to spell unit (28) and a dial out unit (26) (see FIG. 1 and page 15, lines 18 - 22 of the specification).

As set forth in claim 122, a method for carrying out personal transactions comprises providing a system having a center (10) for performing personal transactions including financial transactions, e-mail transactions, and voice messaging transactions, which center includes a local area

network (12), a voice response unit (22) connected to said local area network, and a telephone communication system (24), initiating a registration procedure for a new user of said system, said initiating step comprising said new user communicating with said center via a communication device, registering said user by prompting said user communicating with said center to provide personal information about said user, said registering step further comprising prompting said user to select an identification number for said user, said registering step further comprising prompting said user to create a PIN number by selecting a plurality of single digit numbers to act as a first segment of said PIN number and selecting at least one additional digital number to be incorporated into said PIN number to serve as a second security segment of said PIN number which generates an alarm signal if the user uses said PIN number with the at least one additional digital number, and storing said personal information, said identification number, and said PIN number in said local area network (see FIGS. 1 and 3; also see page 13, line 16 to page 16, line 12 and page 19, line 8 to page 23, line 10 of the specification).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are as follows:

(1) The rejection of claims 1 - 7, 9 - 17, 21, 22, 35, 36, 42 - 45, and 61 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,366,682 to Hoffman et al. in view of U.S. Patent No. 5,731,575 to Zingher et al.;

(2) the rejection of claims 18 - 20, 23, and 24 under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al in view of Zingher et al. and further in view of U.S. Patent No. 5,883,810 to Franklin et al.; and

(3) the rejection of claims 25 - 34, 37 - 41, 46 - 60, 62 - 64, and 122 as being unpatentable over Hoffman et al. in view of Zingher et al. and further in view of U.S. Patent No. 5,946,386 to Rodgers et al.

ARGUMENT

(A) Patentability of Independent Claims 1, 42, and 122

Independent claims 1 and 42 have been rejected on obviousness grounds over the combination of the Hoffman et al. patent of record and the Zingher et al. patent of record. Claim 1 is directed to a method for carrying out personal transactions which includes the steps of providing a system for performing the personal transactions and

registering a user of the system. As part of the registering step, the user creates a PIN number. The claim includes the following limitation:

"said PIN number creating step further comprising selecting at least two digits for a security segment to be incorporated into said PIN number wherein an alarm signal is sent when said user enters said PIN number with at least one of said at least two digits used for said security segment".

Claim 42 is directed to a system for carrying out personal transactions. The system includes a center for carrying out the personal transactions and a means for creating a PIN number for the user. The PIN number creating means comprises "means for selecting a plurality of digits to act as a first segment of said PIN number and for selecting at least one additional digit to act as a security segment incorporated into said PIN number so that use of said PIN number with said security segment by said user triggers an alarm activation mechanism in said system".

In Appellant's opinion, both of these limitations places claims 1 and 42 in condition for allowance. Neither Hoffman et al. nor Zingher et al. teaches or suggests

incorporating, or embedding, a security feature of at least one or two digits into the PIN number itself so that when the PIN number is used with the security segment an alarm is triggered.

Hoffman is directed to a tokenless electronic transaction system for performing commercial transactions between a buyer and a seller using a computer system. The method employed by Hoffman registers a buyer and a PIN for the buyer. The PIN is made up of alphanumeric characters and may be from 4 to 12 characters in length. Hoffman's system also allows a user to trigger a silent alarm in emergencies by using an emergency account index code which is separate and distinct from the PIN. See column 21, lines 44 - 57 of Hoffman. The Hoffman et al. patent does not disclose the security features set forth in claims 1 and 42. It also does not disclose a center for performing personal transactions including financial transactions, e-mail transactions, and voice messaging transactions. Hoffman et al.'s center solely performs financial transactions. Thus, it has not means for carrying out e-mail transactions and voice messaging transactions. It also lacks a voice response unit.

The Zingher et al. patent is directed to a computerized system for discreet identification of duress

transaction and/or duress access. Zingher et al. teaches the concept of providing a mechanism for triggering an alarm system; however, the Zingher et al. mechanism, like Hoffman et al.'s, is using a number other than the PIN number. In Zingher et al, a person under duress could signal a bank or law enforcement authorities by using a Personal Distress Number or PDN. See column 2, line 66 to column 3, lines 12 of Zingher et al. The PDN can be a randomly assigned number or an altered PIN number, i.e. the user enters his/her pin number in reverse. See column 5, lines 16 - 28 of Zingher et al. It is clear that Zingher et al. teaches or suggests doing something other than what is being claimed. Most notably, there is nothing in Zingher et al. which teaches or suggests incorporating or embedding a security feature or segment into the PIN itself so that use of the PIN number with the incorporated security segment triggers an alarm activation mechanism in the system.

Claims 1 and 42 are each allowable because neither Hoffman et al. or Zingher et al., taken alone or in combination with each other, teaches or suggests the aforementioned limitations of claims 1 and 42.

Further, with respect to claim 42, neither Hoffman et al. nor Zingher et al. teaches or suggests a center which

performs e-mail transactions and voice messaging transactions as well as financial transactions. As noted above, Hoffman et al. is solely directed to financial transactions. There is no disclosure of any means for carrying out e-mail transactions and voice messaging transactions. There is also no disclosure of a voice response unit. Quite frankly, there is no reason for Hoffman et al. to perform such functions since they are not necessary to the financial transactions. The Zingher et al. patent does not cure this deficiency in Hoffman et al.

With regard to independent claim 122, it is rejected on obviousness grounds over the combination of Hoffman et al., Zingher et al. and Rogers et al. Claim 122 includes the steps of "providing a system having a center for performing personal transactions including financial transactions, e-mail transactions, and voice messaging transactions, which center includes a local area network, a voice response unit connected to said local area network, and a telephone communication system" and "prompting said user to create a PIN number by selecting a plurality of single digit numbers to act as a first segment of said PIN number and selecting at least one additional digital number to be incorporated into said PIN number to serve as a second security segment of said PIN number which generates

an alarm signal if the user uses said PIN number with said at least one additional digital number." None of the references teaches or suggests this combination of steps.

The deficiencies of Hoffman et al. and Zingher et al. are discussed above. Rogers et al is cited by the Examiner as disclosing providing access, identifying the user, storing, notifying of receipt thereof, or voice delivery of an e-mail communication, a facsimile communication or a page. The Examiner contends that it would be obvious to include Rogers et al.'s access, identifying the user, storing, notifying, and voice delivery of an e-mail communication, a facsimile communication, or a page into Hoffman et al. There is absolutely no statement of what would motivate one of ordinary skill in the art to make such a modification given the fact that Hoffman et al. is solely directed to financial transactions and nothing in Rogers et al. is needed to perform such transactions.

There is also no discussion in the rejection of how Rogers et al. cures the defect in Hoffman et al. and Zingher et al. of creating a PIN number having the claimed security segment. Rogers is totally silent on this point and does not teach or suggest the aforementioned claimed "prompting" step.

Thus, at a minimum, claim 122 is allowable for the same reasons as claims 1 and 42. Neither Zingher et al., Rogers et al., nor Hoffman et al. teach or suggest the PIN number creating step with the claimed second security segment feature for generating an alarm signal if the user uses the PIN number with the additional digital number.

Claim 122 is further allowable because while Rogers may teach or suggest certain aspects of the claimed invention, the mere fact that something exists in the prior art is insufficient to establish a *prima facie* case of obviousness. As noted above, there is no reason why one of ordinary skill in the art would be motivated to incorporate the features of Rogers et al. into Hoffman et al. Hoffman et al. is solely directed to the performance of financial transactions, while Rogers et al. is directed to telephone switching systems in general and a call management system in particular. There is nothing in either reference which would teach or suggest incorporating any of Rogers features in Hoffman et al. would somehow provide a benefit. Clearly, the Examiner has articulated no motivational statement as to why one would combine the references.

For these reasons, the Board is respectfully requested to reverse the rejections of claims 1, 42, and 122.

*(B) Patentability of Claims 2 - 7,
9 - 17, 21, 22, 35, 36, 43 - 45 and 61*

Claims 4 - 7, 10, 13, 16, 42 - 45, and 61 are allowable for the same reasons as their parent claims.

Claim 2 is allowable because there is nothing in either Hoffman et al. or Zingher et al. which teaches or suggests using the user's telephone number as his/her identification number. In Hoffman, the user is identified by his/her PIN number and his/her biometrics.

Claim 3 is allowable because neither of the cited and applied references teaches or suggests creating an identification number in the form of a telephone number.

Claim 9 is allowable because neither of the cited and applied references teaches or suggests the step of selecting a digit in the first segment of the PIN number to identify the location of the second security element. Both references are totally silent on this method step.

Claim 11 is allowable because neither reference teaches the combination of steps set forth in the claim. In particular, neither reference teaches or suggests entering both an identification number and a PIN number without entering the at least one digital number forming the security segment and providing money to a first agent.

Claim 12 is allowable because neither reference teaches the combination of steps set forth in the claim. In particular, neither reference teaches or suggests entering both an identification number and a PIN number to withdraw money from an account.

Claim 14 is allowable because neither reference teaches or suggests inserting a credit card or an identification card into an ATM prior to entering the identification card. The whole purpose of Hoffman et al. is to do away with credit cards and/or identification cards. Thus, there would be no reason to modify it to perform the claimed method step.

Claim 15 is allowable because neither reference teaches or suggests the claimed combination of steps. In particular, neither reference teaches or suggests entering a user's identification number and a PIN number which includes at least one security segment digital number to generate an alarm signal. Both references require the entry of a number other than the PIN number to generate the alarm signal.

Claim 17 is allowable because neither reference teaches or suggests the claimed subject matter. For example, neither reference teaches or suggests entering both an identification number and a PIN number without

using at least one security segment digit into the system. In both Hoffman et al. and Zingher et al., the PIN numbers lack the claimed security segment. Thus, even if they were combined, one of ordinary skill in the art would not arrive at the claimed invention.

Claims 21 and 22 both depend from claim 20. Since claim 20 has not been rejected on the combination of Hoffman et al. and Zingher et al., the obviousness rejection of these claims made by the Examiner is improper.

Claim 35 is directed to a user monitoring system which comprises having the user specify an activation time, at least one monitoring location, at least one assistance preference and storing the specified items. The claim also calls for the step of "calling the user at said activation time at said at least one monitoring location." Neither Hoffman et al. nor Zingher et al. teaches monitoring a user using the steps set forth in the claim. Thus, even if combined, the claimed method would not be taught or suggested by the combination.

Claim 36 is further allowable because neither of the cited and applied references teaches or suggests the step of initiating contact with the at least one assistance preference if the user does not enter the PIN number in response to the call. This is because neither Hoffman et

al. or Zingher et al. has any disclosure of such a system. Thus, even if one were to combine the references as suggested by the Examiner, one would not arrive at the invention which is claimed in claim 36.

*(C) Patentability of Claims 18 -
20, 23 and 24*

At a minimum, claims 18 - 20, 23 and 24 are allowable for the same reasons as their parent claims. The Franklin et al. patent cited and relied upon by the Examiner does not cure the aforementioned deficiencies of the Hoffman et al. and Zingher et al. references.

Claim 18 is directed to a merchandise purchasing method wherein a user identification number, a PIN number, and an entity identification information is downloaded from a buffer and a temporary file is opened which contains this information. The claim also states that the method includes the steps of assigning a transaction identification number to the temporary file and transferring the transaction identification number to a buffer. Neither Hoffman et al. nor Zingher et al. teach or suggest these method steps. The Franklin et al. patent is cited as teaching temporary file creation. However, a review of Franklin et al. shows that the portion being

relied upon by the Examiner is directed to creating a temporary customer account record and assigning a temporary PIN. It is submitted that there is nothing in Franklin et al. which teaches or suggests the specific steps set forth in claim 18 mentioned above. Therefore, even if one were to combine Franklin et al. with Hoffman et al. and Zingher et al., one would not be arrive at the method steps which are set forth in claim 18.

Claim 19 is allowable for the same reasons as claim 18 and further because none of the references teaches or suggests downloading the transaction identification number and the information in the temporary file to an entity computer. While Hoffman et al. may talk about transferring information to an entity computer, it is not the specific downloaded information set forth in claim 19.

Claim 20 is allowable because none of the cited references taken alone or in combination with each other teach or suggest the steps of the user downloading the transaction identification number stored in the buffer to the entity computer and the entity computer verifying the downloaded transaction identification number with the system. Hoffman et al. does not assign any transaction identification numbers which have to be downloaded by a user and verified by an entity. Hoffman et al. uses a

completely different approach. Neither Zingher et al. nor Franklin et al. teach or suggest the method steps set forth in claim 20. Thus, even if the references were combined, the claimed invention would not be rendered obvious because there is no teaching or suggestion of the aforementioned steps.

Claim 23 is allowable because none of the references as discussed above teach or suggest the use of a transaction identification number. As a result, none of the cited and applied references teach or suggest opening a temporary account containing the money to be transferred and assigning a transaction identification number to the temporary account. Thus, even if the references were combined, the claimed invention would not be rendered obvious because there is no teaching or suggestion of the aforementioned steps.

Claim 24 is allowable for the same reasons as claim 23.

*(D) Patentability of Claims 25 - 34,
37 - 41, 46 - 60, and 62 - 64*

At a minimum, claims 25 - 34, 37 - 41, 46 - 60, and 62 - 64 are allowable for the same reasons as claims 1 and 122. These claims are also allowable because there is no

reason to combine Rogers et al. with Hoffman et al. As noted above, Hoffman et al. is solely directed to the performance of financial transactions. Hoffman et al. has no interest, and in fact no need, to provide the e-mail communication services, the facsimile communication services, or the paging services set forth in the claims. Thus, there is no reason one of ordinary skill in the art would be motivated to modify Hoffman et al. to have the features set forth in claims 25 - 34, 37 - 41, 46 - 60, and 62 - 64. The Examiner has not set forth any reason why one of ordinary skill in the art would be motivated to combine Hoffman et al. and Rogers et al. in the manner suggested. The rejection made by the Examiner is nothing more than an attempted hindsight rejection which fails.

Claim 25 is allowable because one of ordinary skill in the art having the references before him/her would not be motivated to modify Hoffman et al.'s system to provide access to individuals (third parties) leaving e-mail communications, a facsimile communication, or a page for the user. In the Hoffman et al. system, the transactions are between a buyer and a seller via a Data Processing Center. There is no mechanism for individuals (third parties) to leave e-mails, facsimiles, or pages and there is no need for such a mechanism. Thus, one of ordinary

skill in the art would not be motivated to combine the references as suggested by the Examiner.

Claim 26 is allowable because there is no need in the Hoffman et al. system to identify the user for which the e-mail communication, facsimile communication or page has been left and then store the e-mail communication, the facsimile communication or the page. Hoffman does not use such devices. As for Rogers, it is directed to a call management system, not a financial transaction system. Thus, even if the claimed features were disclosed in Rogers, one of ordinary skill in the art would not be motivated to combine the references. The mere fact that something exists in the prior art is not a sufficient basis to conclude that a claimed invention is obvious. More is needed such as a motivation to combine the references. Appellant finds no motivation to combine the references in the manner suggested by the Examiner. Nor has the Examiner stated such motivation.

Claims 27 - 29 are allowable for the same reasons as claim 26. There is no reason to modify Hoffman et al. to perform any of the claimed method steps.

Claim 30 is allowable because there is no reason to modify Hoffman et al. to notify the user of any receipt of an e-mail communication, facsimile communication, or page

message because no such messages/communications are needed to perform the business transactions of Hoffman et al.

Claim 31 is allowable because there is no reason to modify Hoffman et al. to store any transmitted e-mail communication, facsimile communication, or page message in a message holding database and providing a user access to said stored communication/message because no such messages/communications are needed to perform the business transactions of Hoffman et al. In fact, Hoffman et al. lacks the claimed message holding database. As for Rogers, as noted above, this reference is directed to an entirely different system which does not perform business transactions such as those described in Hoffman et al. There is absolutely no reason to combine the references in the manner suggested by the Examiner.

Claim 32 is allowable because there is no reason to modify Hoffman et al. to provide voice delivery to the user of any receipt of an e-mail communication, facsimile communication, or page message because no such messages/communications are needed to perform the business transactions of Hoffman et al. As for Rogers, as noted above, this reference is directed to an entirely different system which does not perform business transactions such as those described in Hoffman et al. There is absolutely no

reason to combine the references in the manner suggested by the Examiner.

Claim 33 is allowable because there is no reason to modify Hoffman et al. to provide delivery notification to the user of any receipt of an e-mail communication, facsimile communication, or page message because no such messages/communications are needed to perform the business transactions of Hoffman et al. As for Rogers, as noted above, this reference is directed to an entirely different system which does not perform business transactions such as those described in Hoffman et al. There is absolutely no reason to combine the references in the manner suggested by the Examiner.

Claim 34 is allowable because none of the cited and applied references teach or suggest providing an electronic box for providing at least one of an indication of the presence of an e-mail message, the names of the individual transmitting the e-mail message, and the text of the message. Thus, even if the references were properly combined, the combination would not lead to the claimed invention.

Claim 37 is allowable because the Hoffman et al. system does not have mechanism for leaving voice messages and there is no need for such a system to perform Hoffman

et al.'s business transactions. Thus, there is no reason to modify Hoffman et al. to provide voice messaging services. As for Rogers, as noted above, this reference is directed to an entirely different system which does not perform business transactions such as those described in Hoffman et al. There is absolutely no reason to combine the references in the manner suggested by the Examiner. The mere fact that something exists in the prior is an insufficient basis to find obviousness.

Claims 38, 40 and 41 are allowable for the same reasons as claim 37 and because there is no reason to modify Hoffman et al. to notify a user of a deposited message and/or allow a user to retrieve a deposited message via a telephone.

Claim 39 is allowable because none of the references teaches or suggests trigger a notification signal when the user uses a particular credit/debit card. The whole purpose of Hoffman et al. is to avoid the use of credit/debit cards. Therefore, there is no reason to modify Hoffman et al. to perform the claimed method step.

Claims 46 and 47 are allowable for the same reasons as claim 42.

Claim 48 is allowable because there is no reason to provide Hoffman et al. with a server for controlling e-mail

transactions since Hoffman et al. does not use e-mails. Rogers is directed to an entirely different system which does not perform business transactions such as those described in Hoffman et al. There is absolutely no reason to combine the references in the manner suggested by the Examiner.

Claim 49 is allowable for the same reasons as claims 42 and 48.

Claims 50, 52 and 55 are allowable because there is no reason to modify Hoffman et al. to perform voice messaging services and have a stored set of instructions for performing voice messaging services and/or a server for performing voice messaging services. Such services are not needed to perform Hoffman et al.'s business transactions. Rogers is directed to an entirely different system which does not perform business transactions such as those described in Hoffman et al. There is absolutely no reason to combine the references in the manner suggested by the Examiner.

Claim 51 is allowable for the same reasons as claim 49.

Claims 53 and 54 are allowable for the same reasons as claim 42

Claim 56 and 57 are allowable because there is no reason to provide Hoffman et al. with any means for receiving facsimile transmissions and/or allowing a user to retrieve them. Hoffman et al. is solely directed to a computerized system for performing business transactions which does not require facsimile transmissions. Rogers is directed to an entirely different system which does not perform business transactions such as those described in Hoffman et al. There is absolutely no reason to combine the references in the manner suggested by the Examiner.

Claim 58 is allowable because Hoffman does not utilize e-mails and thus there is no reason to provide Hoffman et al. with the claimed means. Rogers is directed to an entirely different system which does not perform business transactions such as those described in Hoffman et al. There is absolutely no reason to combine the references in the manner suggested by the Examiner.

Claims 59 and 60 are allowable for the same reasons as claim 58.

Claim 62 is allowable because Hoffman et al. does not have any means for paging a user and/or for notifying a user of the page. There is no need for such a system to perform the business transactions of Hoffman et al. Rogers is directed to an entirely different system which does not

perform business transactions such as those described in Hoffman et al. There is absolutely no reason to combine the references in the manner suggested by the Examiner.

Claim 63 is allowable for the same reasons as claim 42.

Claim 64 is allowable because none of the cited and applied references teach or suggest the claimed communication unit. Thus, even if the references were properly combinable, they would not arrive at the claimed features.

CONCLUSION

For the foregoing reasons, the Board is hereby requested to reverse the rejections of record and remand the instant application back to the Primary Examiner for allowance.


APPEAL BRIEF FEE

Enclosed herewith is a check in the amount of \$250.00 to cover the cost of the Appeal Brief fee.

Should the Director determine that an additional fee is due, he is hereby authorized to charge said additional fee to Deposit Account No. 02-0184.

Respectfully submitted,

Raanan Liebermann

By 
Barry L. Kelmachter
BACHMAN & LaPOINTE, P.C.
Reg. No. 29,999
Attorney for Applicant

Telephone: (203) 777-6628 ext. 112
Telefax: (203) 865-0297
Email: docket@bachlap.com

Date: April 21, 2006

I, Rhonda Longo, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on April 21, 2006.



IN TRIPLICATE

CLAIMS ON APPEAL - APPENDIX A

1. A method for carrying out personal transactions comprising:

 providing a system for performing said personal transactions;

 registering a user of said system;

 said registering step comprising said user accessing said system and providing said system with personal information about said user;

 said registering step further comprising selecting an identification number for said user;

 said registering step further comprising creating a PIN number by selecting a plurality of single digit numbers to act as a first segment of said PIN number; and

 said PIN number creating step further comprising selecting at least two digits for a security segment to be incorporated into said PIN number wherein an alarm signal is sent when said user enters said PIN number with at least one of said at least two digits used for said security segment.

2. The method according to claim 1, wherein said identification number selection step comprises selecting said user's telephone number.

3. The method according to claim 1, wherein said identification number selection step comprises creating a ten digit number in the form of a telephone number.
4. The method according to claim 1, wherein said identification number selection step comprises said system selecting a ten digit identification number and assigning said ten digit identification number to said user.
5. The method according to claim 1, wherein said accessing step comprises said user using a telephone to access said system.
6. The method according to claim 1, wherein said accessing step comprises using a personal computer to access said system.
7. The method according to claim 1, further comprising storing said personal information, said identification number, and said PIN number in a customer database forming part of said system.
9. A method according to claim 1, wherein said PIN number creating step comprises selecting a digit in said first segment to identify the location of said second security segment.
10. The method according to claim 122, further comprising creating a money account and depositing money into said account.

11. The method according to claim 10, wherein said depositing step comprises accessing said system via said communication device, entering said identification number assigned to said user using said communication device, entering said PIN number assigned to said user without entering said at least one additional digital number forming said security segment using said communication device, and providing said money to be deposited to a first agent for said system.

12. The method according to claim 11, further comprising withdrawing money from said account and said withdrawing step comprising accessing said system using a communication device, entering said user's identification number using said communication device, entering said user's PIN number without entering said at least one security segment digital number using said communication device, identifying the amount of money to be withdrawn using said communication device, and receiving said money to be withdrawn from an agent for said system.

13. The method according to claim 12, wherein said accessing step comprises accessing said system via an ATM.

14. The method according to claim 13, further comprising inserting a credit card or an identification card into said ATM prior to entering said identification number.

15. The method according to claim 11, further comprising withdrawing money from said account and said withdrawing step comprising accessing said system using a communication device, entering said user's identification number using

said communication device, entering said user's PIN number including said at least one security segment digital number using said communication device to generate an alarm signal, identifying the amount of money to be withdrawn using said communication device, and receiving said money to be withdrawn from an agent for said system.

16. The method according to claim 10, further comprising purchasing merchandise using said system.

17. The method according to claim 16, wherein said merchandise purchasing step comprises:

accessing said system through a communication device;

entering said identification number and said PIN number without using said at least one security segment digit into said system using said communication device;

entering identification information about the entity selling said merchandise using said communication device;

storing said entered user identification and PIN numbers and entity identification information in a buffer in a computer connected to said communication device; and

connecting said communication device to said system.

18. The method according to claim 17, wherein said merchandise purchasing step further comprises:

downloading said information stored in said buffer to said system;

opening a temporary file in said system containing said downloaded information;

assigning a transaction identification number to said temporary file;

transferring said transaction identification number to said buffer; and

disconnecting said system from said computer.

19. The method according to claim 18, wherein said merchandise purchasing step further comprises:

connecting said system to a computer utilized by said entity; and

downloading said transaction identification number and said information in said temporary file to said entity computer.

20. The method according to claim 19, further comprising:

said user accessing said entity computer;

said user selecting merchandise to be purchased;

said user downloading the transaction identification number stored in said buffer to said entity computer; and

said entity computer verifying said downloaded transaction identification number with said system.

21. The method according to claim 20, further comprising debiting the user's account in the amount of the purchase.

22. The method according to claim 20, further comprising crediting an account maintained by said entity with an amount equal to the amount of said purchase.

23. The method according to claim 10, further comprising:

said user accessing said system with a communication device;

identifying said user to said system using said communication device;

entering the name of the person to whom money is to be transferred and the amount to be transferred into the system using said communication device;

opening a temporary account containing the money to be transferred and assigning a transaction identification number to said temporary account; and

withdrawing money from said user's account and storing said money in said temporary account until said person has transferred said money out of said temporary account to an account controlled by said person.

24. The method according to claim 23, further comprising closing said temporary account after said money has been transferred.

25. The method according to claim 122, further comprising:

said storing step comprising storing said user identification number and PIN number in a customer database maintained by said system; and

providing access to said system to individuals leaving an e-mail communication, a facsimile communication, or a page for said user.

26. The method according to claim 25, further comprising:

identifying the user for which the e-mail communication, facsimile communication, or page has been left; and

storing said e-mail communication, facsimile communication, or page message in said system.

27. The method according to claim 26, wherein said identifying step comprises looking up said user in said customer database and obtaining an address for said user.

28. The method according to claim 27, wherein said address obtaining step comprises obtaining an e-mail address for said user.

29. The method according to claim 27, wherein said address obtaining step comprises obtaining a telephone number for said user.

30. The method according to claim 26, further comprising notifying the user of the receipt of the e-mail communication, the facsimile communication, or the page message.

31. The method according to claim 30, further comprising storing said transmitted e-mail communication, facsimile communication, or page message in a message holding database; and providing said user access to said stored e-mail communication, facsimile communication or page message.

32. The method according to claim 31, wherein said access providing step comprises voice delivery of said e-mail communication, said facsimile communication or said page message.

33. The method according to claim 31, wherein said access providing step comprises delivering notification of said e-mail communication, said facsimile communication or said page message to said user's personal computer.

34. The method according to claim 31, wherein said access providing step comprises providing an electronic box for providing at least one of an indication of the presence of an e-mail message, the names of the individual transmitting the e-mail message, and the text of the e-mail message.

35. The method according to claim 122, further comprising:

said storing step comprising storing said identification number and PIN number assigned to said user in a customer database;

monitoring said user;

said monitoring step comprising having the user specify an activation time, at least one monitoring location and at least one assistance preference and storing said activation time, said at least one monitoring location, and said at least one assistance preference in said customer database; and

said monitoring step further comprising calling said user at said activation time at said at least one monitoring location.

36. The method according to claim 35, further comprising initiating contact with said at least one assistance preference if said user does not enter said PIN number in response to said call.

37. The method according to claim 122, further comprising:

said storing step comprising storing said user identification number and said user PIN number in a customer database;

providing access to the system to a voice message sender; and

depositing a voice message from said sender to said user in said system.

38. The method according to claim 37, further comprising notifying said user of said deposited message.

39. The method according to claim 38, wherein said notifying step comprises triggering a notification signal when said user uses a particular credit/debit card.

40. The method according to claim 38, wherein said notifying step comprises contacting said user via telephone.

41. The method according to claim 38, further comprising enabling said user to retrieve said deposited message via telephone.

42. A system for carrying out personal transactions comprising:

a center for performing personal transactions including financial transactions, e-mail transactions, and voice messaging transactions, said center including a local area computer network having means for carrying out said financial transactions, said e-mail transactions, and said voice messaging transactions, a voice response unit connected to said local area network, and a telephone communication system;

means for providing user access to said network via said telephone communication system;

said network including means for receiving personal information about said user, for creating an identification number for said user, and for receiving a PIN number for said user; and

said PIN number creating means comprising means for selecting a plurality of digits to act as a first segment of said PIN number and for selecting at least one additional digit to act as a security segment incorporated into said PIN number so that use of said PIN number with said security segment by said user triggers an alarm activation mechanism in said system.

43. The system according to claim 42, wherein said access providing means further comprises a web site which can be accessed via a computer.

44. The system according to claim 43, further comprising a router for receiving data signals from said website and a firewall for preventing unauthorized access to said network.

45. The system according to claim 42, wherein said access providing means comprises a central telephone number which can be accessed by telephone.

46. The system according to claim 45, further comprising said voice response unit receiving telephone communications from a user, converting said telephone communications to

digital signals, transmitting said digital signals to said computer network, receiving instructions from said computer network, and prompting said user to provide additional information to said computer network.

47. The system according to claim 42, wherein said computer network comprises a first server for operating said network.

48. The system according to claim 47, wherein said computer network further comprises a second server for controlling e-mail transactions.

49. The system according to claim 48, wherein said computer network further comprises a plurality of data bases, a plurality of stored search engines, and a stored set of processing instructions and wherein said data bases, said stored search engines, and said stored set of processing instructions are accessible by said first and second servers.

50. The system according to claim 49, wherein said computer network further comprises a stored set of instructions for performing cash transactions using said system and a stored set of instructions for performing voice messaging services and wherein said stored set of instructions for performing cash transactions and said stored set of instructions for performing voice messaging services are accessible by said first server.

51. The system according to claim 49, wherein said computer network includes a third server for performing cash transactions.

52. The system according to claim 51, wherein said computer network includes a fourth server for performing voice messaging services.

53. The system according to claim 42, wherein said computer network comprises means for a user to open a cash account and to use said cash account for financial transactions.

54. The system according to claim 53, wherein said financial transactions include deposits to said cash account, withdrawals from said cash account, and transfer of funds to a third party.

55. The system according to claim 42, wherein said computer network comprises means for receiving voice messages, means for storing said voice messages, and means for notifying recipients of said voice messages about said voice messages.

56. The system according to claim 42, wherein said computer network comprises means for receiving facsimile transmissions for a user and means for allowing said user to retrieve said facsimile transmissions.

57. The system according to claim 42, wherein said means for allowing said user to retrieve said facsimile transmissions comprises means for retrieving said facsimile transmissions by voice.

58. The system according to claim 42, wherein said computer network comprises means for receiving e-mail transmissions for a user, means for storing said e-mail transmissions, and means for notifying said user of said e-mail transmissions.

59. The system according to claim 58, wherein said notifying means comprises means for notifying said user via telephone.

60. The system according to claim 58, wherein said notifying means comprises means for notifying said user via a personal computer.

61. The system according to claim 42, wherein said computer network comprises means for monitoring a user.

62. The system according to claim 42, wherein said computer network comprises means for paging a user and for notifying said user of said page.

63. The system according to claim 42, further comprising a communication unit for connecting said computer network to external entities to transfer information and/or data.

64. The system according to claim 63, wherein said communication unit comprises a text to spell unit and a dial out unit.

122. A method for carrying out personal transactions comprising:

providing a system having a center for performing personal transactions including financial transactions, e-mail transactions, and voice messaging transactions, which center includes a local area network, a voice response unit connected to said local area network, and a telephone communication system;

initiating a registration procedure for a new user of said system, said initiating step comprising said new user communicating with said center via a communication device;

registering said user by prompting said user communicating with said center to provide personal information about said user;

said registering step further comprising prompting said user to select an identification number for said user;

said registering step further comprising prompting said user to create a PIN number by selecting a plurality of single digit numbers to act as a first segment of said PIN number and selecting at least one additional digital number to be incorporated into said PIN number to serve as a second security segment of said PIN number which generates an alarm signal if the user uses said PIN number with said at least one additional digital number; and

storing said personal information, said identification number, and said PIN number in said local area network.

EVIDENCE - APPENDIX B

NOT APPLICABLE

RELATED PROCEEDINGS - APPENDIX C

NOT APPLICABLE